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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 STEVEN A. HOGUE,  
9

10 *Petitioner,*

11 vs.

12 VACA, *et al.*,

13 *Respondents.*

2:11-cv-00920-JCM-RJJ

14  
15 ORDER

16 Petitioner has submitted an application (#1) to proceed *in forma pauperis* and a habeas  
17 petition.

18 The matter has not been properly commenced because the pauper application does  
19 not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2,  
20 the petitioner must attach both an inmate account statement for the past six months and a  
properly executed financial certificate. Petitioner submitted neither.

21 The application therefore will be denied, and the present action will be dismissed  
22 without prejudice to the filing of a new petition in a new action with a pauper application on  
23 the proper form with all required attachments. It does not appear that a – promptly – filed new  
24 petition will be untimely. Petitioner at all times remains responsible for calculating the running  
25 of the federal one-year limitation period and filing a properly-commenced timely action.

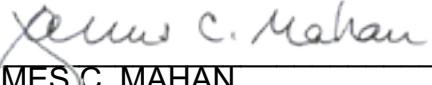
26 IT THEREFORE IS ORDERED that the application (#1) to proceed *in forma pauperis*  
27 is DENIED and that this action shall be DISMISSED without prejudice to the filing of a new  
28 petition in a new action with a new pauper application with all required attachments.

1 IT FURTHER IS ORDERED that a certificate of appealability is DENIED as to the  
2 dismissal without prejudice.

3 IT FURTHER IS ORDERED that the clerk of court shall send petitioner two copies of  
4 an application form to proceed *in forma pauperis* for incarcerated persons, two copies of a  
5 noncapital Section 2254 habeas form, one copy of the instructions for each form, and a copy  
6 of the papers that he submitted in this action.

7 The clerk of court shall enter final judgment accordingly, dismissing this action without  
8 prejudice.

9 DATED: June 13, 2011.

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12 JAMES C. MAHAN  
13 United States District Judge

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